

Granted. Defendant Horn is not to be released from St. Elizabeth Hospital without prior notification to the United States Marshal Service. It is SO ORDERED.
s/Dan Aaron Polster
United States District Judge
10/12/2021

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,	:	CASE NO.: 5:21-CR-251-DAP-1
	:	
Plaintiff,	:	JUDGE DAN AARON POLSTER
	:	
~ vs ~	:	
	:	
DENNIS E. HORN,	:	<u>UNOPPOSED MOTION FOR MEDICAL</u>
	:	<u>FURLOUGH</u>
Defendant.	:	

Now comes Defendant, Dennis E. Horn, by and through his undersigned counsel, and respectfully request that this Honorable Court issue An Order, placing Mr. Horn on medical furlough. The reason which more fully support this Motion are as follows:

1. On or about September 15, 2021, Dennis E. Horn was transported to St. Elizabeth Hospital, Belmont, with urgent, life-threatening COVID symptoms. Mr. Horn has been in ICU, on a ventilator, sedated and on paralytics. Being sedated and on paralytics, Mr. Horn is basically in a medically induced coma, receiving fifty-percent oxygen support through a ventilator. Mr. Horn's medical condition has been fluctuating between fair and poor.

2. U.S. Marshal Ken Cognilio has suggested to defense counsel, to move this Court for a medial furlough. This requested medical furlough does not seek to remove Mr. Horn from the ICU or from St. Elizabeth Hospital. However, Mr. Horn is technically in the custody of the U.S. Marshal, and because of that, Mr. Horn's family cannot have any access to Mr. Horn's medical condition; ICU is unable to report Mr. Horn's medical condition to Mr. Horn's family.

3. Mr. Yelsky has discussed this request with AUSA Carol Skutnik, who has no objection to placing Mr. Horn on a medical furlough, with the condition Mr. Horn does not leave St. Elizabeth Hospital. According to U.S. Marshal Ken Cognilio, doing so will relieve the St. Elizabeth ICU staff, from seeking U.S. Marshal Cognilio's permission, every time one of Mr. Horn's family calls for a status report.

4. Again, this Motion does not seek to remove Mr. Horn from ICU, or even from St. Elizabeth Hospital. Should Mr. Horn get stepped down from ICU, the Court can review his medical furlough status with U.S. Marshal Ken Cognilio. Defense counsel suggests that a furlough status conference would be appropriate, if Mr. Horn is stepped down from ICU. Even in such a case, this request for a medical furlough does not seek to remove Mr. Horn from St. Elizabeth Hospital. The requested medical furlough, under Mr. Horn's dire health condition does however relieve the U.S. Marshal from overseeing medical contact with Mr. Horn's family.

5. Based on these reasons, and on the Government's lack of opposition to this Motion, it is respectfully requested that this Honorable Court issue an Order, placing Defendant Dennis E. Horn on medical furlough, with the condition that Mr. Horn not be removed from St. Elizabeth Hospital, without prior notification to the U.S. Marshal.

Respectfully submitted,

/s/ - Mitchell J. Yelsky, Esq.

YELSKY & LONARDO, LLC

BY: MITCHELL J. YELSKY, ESQ.

Ohio Reg. No. 0032925

323 Lakeside Avenue, Suite 450

Cleveland, Ohio 44113

(216) 781-2550 – phone

(216) 781-6242 – telefax

mjy@yelskylonardo.com - email

Counsel for **DENNIS E. HORN**